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ORIGINAL

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF TEXAS

KENNEDY JONES & ELAINE C JONES)
Plaintiffs,)
vs.)
UNITED STATES OF AMERICA)
Defendant.)

Case No.

U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS FILED	
JUL - 1 2009	
CLERK, U.S. DISTRICT COURT By <u>21</u> Deputy	

3-09CV1239-M

PETITION TO QUASH THIRD PARTY SUMMONS

COMES NOW, Plaintiffs, Kennedy Jones and Elaine C. Jones and hereby Petition this Court To Quash the Third Party Summons issued to JP Morgan Chase Bank NA by Defendant, United States of America. In support thereof, Plaintiffs do allege and state as follows:

1. Plaintiffs are residents of Tarrant County in the State of Texas. Plaintiff Kennedy Jones' social security number is XXX-XX-5123.
2. Defendant is the United States of America.
3. This action is commenced pursuant to 26 U.S.C.A. Section 7609.
4. Plaintiffs seek an order of this Court quashing the Third Party Summons issued to JP Morgan Chase Bank NA as found an Attachment Number One to this Petition.
5. Said Summons that is the subject matter of this Petition was issued on June 12, 2009.
6. Plaintiffs seek an order of this Court quashing the Third Party Summons because the said Summons is overly broad and is an infringement on the Freedom of Religion for the Greater Community Missionary Baptist Church and for Plaintiffs.
7. Said Summons infringes on said Freedoms of Religion because Plaintiff Kennedy Jones is the Pastor of the Greater Community

142600

Missionary Baptist Church of Arlington, Texas. The Greater Community Missionary Baptist Church has a total of three financial accounts, all with JP Morgan Chase Bank NA. As Pastor Plaintiff Kennedy Jones has signature authority over all the accounts of the Greater Community Missionary Baptist Church and said Summons will include the books, papers, records and other data of said church with the signature authority of Plaintiff Kennedy Jones. See Attachment Number Two to the Petition. The effect of said Summons is an overly broad intrusion into the internal affairs of the church and as such is burdensome and an unnecessary entanglement in the freedoms and practice of religion by Plaintiffs and by the Greater Community Missionary Baptist Church.

Wherefore, Plaintiffs seek an order of this Court quashing the summons issued to JP Morgan Chase Bank NA judgment and such other relief to which they may show themselves justly entitled.

Respectfully submitted,

By:



Frederick J. O'Laughlin
Texas Bar No. 15241770
12800 Hillcrest Road Ste 217
Dallas, Texas 75230
214.828.0600
214.828.0613 fax
fred.olaghlin@gmail.com
Attorney for Plaintiffs



Summons

In the matter of Kennedy Jones & Elaine C Jones

Internal Revenue Service (Division): Small Business/ Self-Employed

Industry/Area (name or number): Field Compliance Area 5, Dallas Territory 3

Periods: Calendar years ending December 31, 2006 and December 31, 2007

The Commissioner of Internal Revenue

To: JP Morgan Chase Bank NA In Care of: CT Corporate Systems

At: 350 North Saint Paul Street, Suite 2900, Dallas, Texas 75201

You are hereby summoned and required to appear before Shelley Tidwell, ID # 78-2227, Internal Revenue Agent an officer of the Internal Revenue Service, to give testimony and to bring with you and to produce for examination the following books, records, papers, and other data relating to the tax liability or the collection of the tax liability or for the purpose of inquiring into any offense connected with the administration or enforcement of the internal revenue laws concerning the person identified above for the periods shown.

SEE ATTACHMENT TO SUMMONS/ SUBPOENA

Do not write in this space

Business address and telephone number of IRS officer before whom you are to appear:

5450 Stratum Drive, Suite 150, Fort Worth, Texas 76137 (817) 232-6328

Place and time for appearance at MC: 4223NFTW, 5450 Stratum Drive, Suite 150, Fort Worth, TX 76137

DOCUMENTS MAY BE MAILED TO THE ABOVE LISTED ADDRESS

on the 15th day of July 2009 at 3:00 o'clock p. m.
 Issued under authority of the Internal Revenue Code this 12th day of June, 2009

Internal Revenue Agent

Acting Title
 Group Manager

Title

Part C — to be given to noticee

 IRS
 Department of the Treasury
 Internal Revenue Service

www.irs.gov

Form 2039 (Rev. 12-2008)
 Catalog Number 21405J

Signature of issuing officer

Signature of approving officer (if applicable)

ATTACHMENT NUMBER ONE, 3 PAGES

ATTACHMENT TO SUMMONS / SUBPOENA

Issued to: JP Morgan Chase Bank NA
In the matter of: Kennedy Jones and/or Elaine Jones and/or Jjasppp Consulting
Address: 1901 Spirit Walk, Mansfield, TX 76063
Periods: Calendar years ending December 31, 2006 and 2007

For the periods specified above, please furnish all books, papers, records, and other data concerning all accounts in which the above-named individual(s) is identified as having any ownership interests, signatory privileges, rights to make withdrawals, or for which the above-named individual(s) is shown as the trustee, co-signer, guardian, custodian, administrator, and/or beneficiary. Records may pertain to an individual, sole proprietor with DBA, member of LLC, officer and/or board member of corporation, partner of general partnership, limited partnership and/or trust. This request for records includes, but is not limited to:

1. **PRIVATE BANKING** including all agreements, contracts, records, books, ledgers, and other documents relating to all of the "Private Banking" agreements and relationships.
2. **SAVINGS ACCOUNT RECORDS** including signature cards, ledger cards or records showing dates and amounts of deposits, withdrawals, interest, debit and credit memos, deposit slips, deposited items, withdrawal slips, and checks issued for withdrawals, Forms 1099 issued, and exempt status documentation.
3. **CHECKING ACCOUNT RECORDS** including signature cards, bank statements, deposit slips, deposited items, records of all debit and credit memos, Forms 1099 issued, and exempt status documentation.
4. **LOAN RECORDS** including applications, financial statements, loan collateral, credit, and background investigations, loan agreements, notes or mortgages, settlement sheets, contracts, checks issued for loans, repayment records, including records showing the date, amount and method of repayment, checks used to repay loans and records showing the total amount of discount or interest paid annually, records of any liens, loan correspondence files, and internal bank memoranda.
5. **SAFE DEPOSIT BOX RECORDS** including contracts, access records, and records of rental fees paid showing the date, amount, and method of payment (cash or check).
6. **CERTIFICATES OF DEPOSIT, MONEY MARKET CERTIFICATES, AND RETIREMENT ACCOUNTS** including applications, actual instruments(s), records of purchases and redemptions, checks issued on redemption, checks used to purchase certificates, any correspondence and any Forms 1099 issued, records showing the annual interest paid or accumulated, the dates of payment or dates interest was earned, checks issued for interest payments.
7. **U.S. TREASURY NOTES AND BILLS** including all records of the purchase of U.S. Treasury Bills and Notes and/or subsequent sale of such bills or notes, including interest paid, checks used for the purchase or sale of the notes and bills, Forms 1099 issued, checks issued for interest payments, records of interest paid or accumulated showing the dates and amount of interest paid or accumulated.
8. **STOCKS AND BONDS** including all agreements, contracts, applications for account, signature cards, mutual fund accounts, commodity accounts, margin accounts, or other accounts. Such records include cash receipts, confirmation slips, securities delivered

ATTACHMENT TO SUMMONS / SUBPOENA

receipts, statements of account, notifications of purchase or sale, representative's stock record, account executive worksheets, correspondence, ledger sheets, cash in slips, buy and sell slips, or other records of these transactions. Documentation and correspondence about stock, municipal or corporate bond transactions, and financial counseling on any of the above.

9. **CREDIT CARD RECORDS** including the above named individual(s)' application, signature card, any credit or background investigations conducted, correspondence about the credit card accounts, monthly billing statements, individual charge invoices, repayment records showing the dates, amounts, and method (cash or check) of repayment, checks used to make repayments (front and back).
10. **PURCHASES OF BANK CHECKS** including cashier's, teller's, or traveler's check records, or money order records including the check register, file copies of the checks or money orders, records showing the date and source of payment for such checks or money orders.
11. **OTHER RECORDS** including records of Currency Transaction Reports (Form 4789), certified checks, wire transfers, or collections, letters of credit, bonds and securities purchased through your bank, savings bond transactions and investment accounts. Such records include those that show the date and amount of the transaction, method (cash or check) and source of payment, destination, recipient, instruments, and statements of transactions.

Personal appearance is not necessary if the required records are received by mail by the date specified in the summons. A cover letter is required which outlines the information and records provided.



Cathy J Johnson
Telephone: 317-757-7384
Facsimile: 317-757-7421

National Subpoena Processing
Mail Code IN1-4054
7610 West Washington Street
Indianapolis, Indiana 46231

06/17/2009

Greater Community Missionary Baptist Church
128 E. Park Row
Arlington, TX 76010

RE: Case Name: JONES, KENNEDY and ELAINE C. JONES
Case No.: N/A
JPMC File No.: 00109315

Dear Sir or Madam:

JPMorgan Chase Bank, N.A.,(JPMC) was served with a subpoena with regard to the above referenced case. A copy of the subpoena is enclosed for your review.

If you are represented by an attorney in this matter, please provide your attorney with a copy of this letter and the enclosed subpoena immediately.

Chase is obligated to respond to this subpoena and will provide the requested information to the requesting party unless Chase receives within ten days (or sooner if required by the Subpoena) from the date of this letter a copy of a properly filed Motion to Quash the Subpoena, or a court order stating that Chase does not have to comply with this request for production of documents.

If you have questions, please call me directly at 317-757-7384.

Yours truly,

Cathy J. Johnson
Subpoena Analyst

Enc.

ATTACHMENT NUMBER TWO, 1 PAGE

CIVIL COVER SHEET

8-09CV1239-M

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Kennedy Jones & Elaine C Jones

(b) County of Residence of First Listed Plaintiff Tarrant
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Frederick J O'Laughlin, 12800 Hillcrest Rd Ste 217
Dallas, TX 75230

DEFENDANTS

United States of America

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input checked="" type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
(For Diversity Cases Only)

Citizen of This State	PTF	DEF	Incorporated or Principal Place of Business In This State	PTF	DEF
<input type="checkbox"/> 1	<input type="checkbox"/> 1			<input type="checkbox"/> 4	<input type="checkbox"/> 4
<input type="checkbox"/> 2	<input type="checkbox"/> 2		Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability		<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud		<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine Liability	<input type="checkbox"/> 371 Truth in Lending		<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage		<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability		<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability			<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury			<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 195 Contract Product Liability				<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 196 Franchise				<input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	PROPERTY RIGHTS	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 420 Appeal 28 USC 158	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	Habeas Corpus:	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General		<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty		<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other		<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 550 Civil Rights		<input type="checkbox"/> 950 Constitutionality of State Statutes
	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 555 Prison Condition		
			SOCIAL SECURITY	
			<input type="checkbox"/> 861 HIA (1395f)	
			<input type="checkbox"/> 862 Black Lung (923)	
			<input type="checkbox"/> 863 DIWC/DIWV (405(g))	
			<input type="checkbox"/> 864 SSID Title XVI	
			<input type="checkbox"/> 865 RSI (405(g))	
			FEDERAL TAX SUITS	
			<input type="checkbox"/> 867 Taxes (U.S. Plaintiff or Defendant)	
			<input checked="" type="checkbox"/> 871 IRS - Third Party 26 USC 7609	

V. ORIGIN

(Place an "X" in One Box Only)

 1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judgment

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

26 USC Section 7609

VI. CAUSE OF ACTION

Brief description of cause:

Petition to Quash Summons

VII. REQUESTED IN COMPLAINT:

 CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

7/1/09

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFFP

JUDGE

MAG. JUDGE